

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Luis Gerardo RODRIGUEZ-REY

Case No.25-30091

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 22, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. 922(g)(5)(a) and 924(a)(2)

Offense Description
Alien in Possession of a Firearm/Ammunition

This criminal complaint is based on these facts:

On or about February 22, 2025, in the Eastern District of Michigan, the Defendant, Luis Gerardo RODRIGUEZ-REY, knowing that he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm and ammunition, that is, one Smith & Wesson, model M&P, 9mm caliber, semi-automatic pistol bearing serial number # LEB4318, and two rounds of 9mm Luger ammunition consisting of one round of WIN (Winchester) 9mm Luger and one round of PPU (Prvi Partizan) 9mm Luger, said firearm having been shipped and/or transported in interstate or foreign commerce; in violation of Title 18, United States Code, Sections 922(g)(5)(a) and 924(a)(2)

☐ Continued on the attached sheet.



Complainant's signature

Mark Davis, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 26, 2025

City and state: Detroit, MI



Judge's signature

Anthony P. Patti, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Mark Davis, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and have been since May 2014. I am currently assigned to the ATF Detroit Field Division – Ann Arbor Field Office. Previously, I was assigned to the Los Angeles Field Division for approximately six years. I am a graduate of the Federal Law Enforcement Training Center's (FLETC) Criminal Investigator Training Program, and the ATF National Academy's Special Agent Basic Training Program. Pursuant to Title 18 United States Code, Section 3051, I am empowered to enforce criminal laws of the United States.

2. I also received specialized training while attending the academies at FLETC, concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the Controlled Substance Act within Title 21 of the United States Code. The specialized training that I have received includes but is not limited to surveillance, interviewing, writing of warrants, handling of evidence, arrest procedures, search procedures, and testifying in court. I have actively participated in investigations involving prohibited persons possessing firearms, trafficking of firearms and controlled substances, gang activity, arson, and violent crimes such as shootings and armed robberies. I have also interviewed confidential

informants, witnesses, cooperating defendants, criminal defendants and other persons engaged in violations of federal law.

3. This affidavit is based on my personal knowledge and observations, law enforcement reports, review of officer body worn camera footage, communications with other sworn law enforcement personnel, communications with others who have personal knowledge of the events and circumstances herein, and information gained through my training and experience.

4. This affidavit is in support of a criminal complaint and arrest warrant for Luis Gerardo RODRIGUEZ-REY for being an alien illegally or unlawfully in the United States and knowingly and intentionally possessing a firearm in violation of Title 18, United States Code, Section 922(g)(5). This affidavit is submitted for the limited purpose of establishing probable cause. I have not included each and every fact known to law enforcement related to this investigation.

II. SUMMARY OF THE INVESTIGATION

5. On February 22, 2025, at approximately 1:39 AM, River Rouge Police Department (RRPD) Police Officer R. Kalis was on duty in a marked River Rouge Police vehicle conducting patrol duties which includes speeding enforcement. While Officer Kalis was positioned in his vehicle at Coolidge Highway near Division Street in River Rouge and utilizing a speed measurement device (ProLaser III S/NEN55022), Officer Kalis observed a black SUV traveling east on Coolidge

Highway at a high rate of speed. The Lidar device captured the speed of the black SUV at 60 M.P.H. The speed limit in the local area is posted at 25 M.P.H. After observing the speeding violation, Officer Kalis attempted to catch up to vehicle and noticed it did not have any exterior lights illuminated. As Officer Kalis was following the black SUV, he observed the vehicle travel north on Jefferson and fail to stay in its lane because it was hugging the east side of Jefferson which is designated for on-street parking.

6. After catching up to the vehicle, Officer Kalis initiated a vehicle traffic stop by activating the emergency lights on his patrol vehicle. The suspected vehicle was identified as a 2016 black Nissan Rogue bearing Michigan license plate #ECU811. The Nissan Rogue eventually came to a stop at Jefferson Ave and Pleasant St. Several other River Rouge Police Officers arrived on scene to help Officer Kalis with the traffic stop. Officer Kalis approached the driver's side of the black 2016 Nissan Rogue and encountered Luis Gerardo RODRIGUEZ-REY as the only occupant and the driver of the vehicle. Officer Kalis asked RODRIGUEZ-REY for his driver's license several times, but RODRIGUEZ-REY stated, "no English" and was unable to communicate with Officer Kalis, although he attempted to use a translator application on his cell phone to communicate with the officers.

7. Officer Kalis asked RODRIGUEZ-REY for personal identification such as a passport or driver's license. RODRIGUEZ-REY stated, "Colombian," then he

produced a Columbian ID card and gave it to Officer Kalis. Officer Kalis asked RODRIGUEZ-REY if he had any other type of identification and RODRIGUEZ-REY stated “no”. Officer Kalis then observed RODRIGUEZ-REY grab the vehicle gear shifter several times. It appeared to one of the assisting officers that RODRIGUEZ-REY might try to drive away and flee the traffic stop. After observing RODRIGUEZ-REY make movements toward the vehicle shifter, Officer Kalis ordered RODRIGUEZ-REY out of the vehicle. After several commands, RODRIGUEZ-REY extended his hands outside of the driver’s side window and exited the car. Officer Issa and Officer Kalis secured RODRIGUEZ-REY in handcuffs.

8. RODRIGUEZ-REY was handcuffed, and his person was searched. Officer Kalis recovered a metal single-stack eight round capacity 9mm caliber magazine containing two 9mm rounds in RODRIGUEZ-REY'S inside left coat pocket. Officer Kalis instructed Officer Issa to search the vehicle. Officer Issa informed Officer Kalis that he located a firearm underneath the driver’s seat. Officer Kalis recovered a Smith & Wesson, model M&P, 9x19mm caliber semi-automatic pistol bearing serial number # LEB4318. The firearm did not have a magazine inserted and the chamber of the firearm was empty.



(recovered firearm)

9. A Michigan Law Enforcement Information Network (LEIN) query on RODRIGUEZ-REY and the vehicle he was driving revealed the following:

- The 2016 Black Nissan Rogue (MI Plate Number #ECU811) did not have valid vehicle insurance as required by Michigan Law.
- The 2016 Black Nissan Rogue (MI Plate Number #ECU811) did not have a valid Michigan vehicle registration as required by Michigan Law.
- Luis Gerardo RODRIGUEZ-REY'S personal identifying information, such as his name and date of birth was not found within the LEIN system.

10. I contacted Supervisory Border Patrol Agent (BPA) Jeff Plooy who is assigned to the Border Patrol Gibraltar Station. BPA Jeff Plooy informed me that he was contacted by the River Rouge Police Department after their arrest of Luis Gerardo RODRIGUEZ-REY because they suspected him to be an illegal alien.

Around 11:00 AM on Saturday, February 22, 2025, BPA Agent Jeff Plooy and another BPA agent travelled to the River Rouge Police Station and conducted a custodial interview with RODRIGUEZ-REY. After providing RODRIGUEZ-REY with his Miranda Rights in Spanish, RODRIGUEZ-REY agreed to waive his rights and speak with the agents. BPA Agent Plooy spoke to RODRIGUEZ-REY in Spanish, and a Google translation service was used. RODRIGUEZ-REY told the agents he was transporting the gun for his “primo” (cousin) and someone would pick up the gun later, and that he only had a gun and knife inside the car. RODRIGUEZ-REY was cooperative and gave consent to search his vehicle. During the search of his vehicle a black Motorola Smart Phone and knife were found. RODRIGUEZ-REY provided his consent to search his cellular phone. On the phone agents discovered a photograph of RODRIGUEZ-REY holding a black semi-automatic pistol, similar looking to the one that was found inside his vehicle.

11. BPA Agent Plooy informed me that on or about December 14, 2023, Luis Gerardo RODRIGUEZ-REY was arrested by Border Patrol agents when he attempted to illegally enter the United States at the Texas border. RODRIGUEZ-REY was released on his own recognizance and given a Notice to Appear in Immigration Court.

12. As an ATF Interstate Nexus trained agent, I regularly perform physical

examinations, conduct research, and review records to make expert determinations regarding interstate and foreign commerce nexus elements for firearms and ammunition evidence items in criminal cases. After seeing multiple digital evidence photographs of the Smith & Wesson, model M&P, 9mm caliber, semi-automatic pistol bearing serial number # LEB4318, and two rounds of 9mm Luger ammunition consisting of one round of WIN (Winchester) 9mm Luger and one round of PPU (Prvi Partizan) 9mm Luger, my preliminary interstate nexus opinion is that the recovered pistol and ammunition are not manufactured in the State of Michigan and thereby travelled in interstate and/or foreign commerce.

13. Based on my investigation as detailed above, and the investigation conducted by the other trained law enforcement officers, I believe there is probable cause that on February 22, 2025, in the Eastern District of Michigan, Southern Division, RODRIGUEZ-REY, an alien who is illegally or unlawfully in the United States, did knowingly and intentionally possess a firearm and ammunition, to wit: a Smith & Wesson, model M&P, 9mm caliber, semi-automatic pistol bearing serial number # LEB4318, and two rounds of 9mm Luger ammunition consisting of one round of WIN (Winchester) 9mm Luger and one round of PPU (Prvi Partizan) 9mm

Luger, which had been shipped or transported in interstate or foreign commerce, in violation of 18 U.S.C. §922(g)(5).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mark Davis", is positioned above a horizontal line.

Mark Davis, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Subscribed and sworn to before me and signed in my
presence and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read "Hon. Anthony P. Patti", is positioned above a horizontal line.

Hon. Anthony P. Patti
United States Magistrate Judge
Dated: February 26, 2025